

Senate Engrossed House Bill

**FILED**

**MICHELE REAGAN  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

CHAPTER 151  
**HOUSE BILL 2244**

AN ACT

AMENDING TITLE 19, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 19-102.01; AMENDING TITLE 19, CHAPTER 1, ARTICLE 2, ARIZONA  
REVISED STATUTES, BY ADDING SECTION 19-119.02; RELATING TO INITIATIVE AND  
REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 19, chapter 1, article 1, Arizona Revised  
3 Statutes, is amended by adding section 19-102.01, to read:

4 19-102.01. Initiative petitions; standard of review

5 A. CONSTITUTIONAL AND STATUTORY REQUIREMENTS FOR STATEWIDE  
6 INITIATIVE MEASURES MUST BE STRICTLY CONSTRUED AND PERSONS USING THE  
7 INITIATIVE PROCESS MUST STRICTLY COMPLY WITH THOSE CONSTITUTIONAL AND  
8 STATUTORY REQUIREMENTS.

9 B. THE SECRETARY OF STATE SHALL MAKE AVAILABLE A SAMPLE INITIATIVE  
10 PETITION THAT STRICTLY COMPLIES WITH THE REQUIREMENTS OF SECTION 19-121.  
11 ANY COMMITTEE THAT USES THE SAMPLE INITIATIVE PETITION PROVIDED BY THE  
12 SECRETARY OF STATE SHALL BE PRESUMED TO HAVE STRICTLY COMPLIED WITH THE  
13 REQUIREMENTS OF SECTION 19-121.

14 Sec. 2. Title 19, chapter 1, article 2, Arizona Revised Statutes,  
15 is amended by adding section 19-119.02, to read:

16 19-119.02. Initiative, referendum and recall handbook;  
17 secretary of state

18 EACH ELECTION CYCLE THE SECRETARY OF STATE SHALL PREPARE AND PUBLISH  
19 AN INITIATIVE, REFERENDUM AND RECALL HANDBOOK THAT PROVIDES GUIDANCE ON  
20 INTERPRETING, ADMINISTERING, APPLYING AND ENFORCING THE LAWS RELATING TO  
21 INITIATIVE, REFERENDUM AND RECALL. THE SECRETARY OF STATE SHALL MAKE THE  
22 HANDBOOK AVAILABLE TO THE PUBLIC ON THE SECRETARY OF STATE'S WEBSITE.

23 Sec. 3. Legislative findings; purpose

24 A. The legislature finds that:

25 1. The Constitution of Arizona provides voters with the ability to  
26 propose new laws or constitutional amendments through the initiative  
27 process.

28 2. Courts have required strict compliance where a legislative tool  
29 is considered an "'extraordinary' power . . . that permits a 'minority to  
30 hold up . . . legislation [that] may well represent the wishes of the  
31 majority.'" See Perini Land & Dev. Co. v. Pima Cty., 170 Ariz. 380, 383  
32 (1992) (quoting W. Devcor, Inc. v. City of Scottsdale, 168 Ariz. 426, 429  
33 (1991)); see also Direct Sellers Ass'n v. McBrayer, 109 Ariz. 3, 5 (1972).

34 3. Arizona's Voter Protection Act, enacted in 1998 as Proposition  
35 105, requires a three-fourths vote to amend any voter-approved initiative.

36 4. The Voter Protection Act greatly impairs the ability of the  
37 legislature, representing the will of the people, to implement changes to  
38 or corrective measures for voter-approved initiatives.

39 5. The initiative process has evolved into an extraordinary power,  
40 effectively holding up and binding the will of the legislature and future  
41 majorities of the people by preventing the enactment of new laws and  
42 amendments that may well represent the wishes of the current majority of  
43 the people. See Perini Land & Dev. Co. v. Pima Cty., 170 Ariz. 380,  
44 382-83 (1992); see also Direct Sellers Ass'n v. McBrayer, 109 Ariz. 3, 5  
45 (1972).

1           6. Strict compliance with the constitutional and statutory  
2 requirements for the initiative process and in the application and  
3 enforcement of those requirements provides the surest method for  
4 safeguarding the integrity and accuracy of the initiative process, while  
5 still recognizing the historical importance of initiatives in this state.  
6 Cf. W. Devcor, Inc. v. City of Scottsdale, 168 Ariz. 426, 429 (1991)  
7 (citing Cottonwood Dev. v. Foothills Area Coal. of Tucson, Inc., 134 Ariz.  
8 46, 49 (1982)).

9           B. Based on the findings provided in subsection A of this section,  
10 the legislature's purpose in adopting this act includes the following:

11           1. Requiring that statewide initiative measures strictly comply  
12 with constitutional and statutory requirements.

13           2. Requiring that persons circulating and submitting initiative  
14 petitions be held to the same standard of constitutional and statutory  
15 compliance as those persons circulating and submitting referendum  
16 petitions.

**APPROVED BY THE GOVERNOR APRIL 14, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 14, 2017.**

Passed the House February 22, 20 17

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]  
Speaker of the House  
☐ Pro Tempore

[Signature]  
Chief Clerk of the House

Passed the Senate April 12, 20 17

by the following vote: 16 Ayes,

14 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2244

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

April 13, 20 17,

by the following vote: 34 Ayes,

23 Nays, 3 Not Voting

[Signature]  
Speaker of the House

[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13 day of April, 20 17,

at 7:23 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 14<sup>th</sup> day of

April, 20 17,

at 4:10 o'clock P. M.

[Signature]  
Governor of Arizona

H.B. 2244

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 14 day of April, 20 17,

at 4:32 o'clock P M.

[Signature]  
Secretary of State